

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDGAR CABRERA and
OMAR MARTINEZ,

Defendants.

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8:07CR99

ORDER

This matter is before the court on the motion for an extension of time by defendant Edgar Cabrera (Cabrera) (Filing No. 30). Cabrera seeks an extension of thirty days in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 6). Cabrera has filed an affidavit wherein Cabrera consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 30). Upon consideration, the motion will be granted and the time to file pretrial motions **will be extended as to both defendants.**

IT IS ORDERED:

Defendant Cabrera's motion for an extension of time (Filing No. 30) is granted. All defendants are given until **on or before August 16, 2007**, in which to file pretrial motions pursuant to the progression order (Filing No. 6). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 16, 2007 and August 16, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 16th day of July, 2007.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge